

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

GREGORY BRIAN WILLIS,

Case No. 09-13406

Plaintiff,

vs.

Avern Cohn

United States District Judge

UNKNOWN DETROIT POLICE OFFICERS,

Michael Hluchaniuk

Defendants.

United States Magistrate Judge

**REPORT AND RECOMMENDATION
TO DISMISS DOE DEFENDANTS**

Plaintiff, an inmate currently at the Gus Harrison Correctional Facility, brings this action under 42 U.S.C. § 1983, claiming violations of his rights under the United States Constitution. (Dkt. 1). Plaintiff is suing unnamed police officers from the City of Detroit and Sergeant Jim Graham, alleging that he was wrongfully prosecuted, that defendants lacked probable cause for the prosecution, and that the prosecution was undertaken with recklessness and malice. *Id.* On September 9, 2009, this case was referred to the undersigned for all pretrial purposes by District Judge Avern Cohn. (Dkt. 4).

Plaintiff moved to amend his complaint to include the names of certain defendants, in place of the John Doe defendants. (Dkt. 26). Defendant filed a response, indicating no objection to plaintiff filing an amended complaint. (Dkt.

28). The Court granted plaintiff's motion to amend the complaint and ordered that plaintiff must submit his amended complaint by May 24, 2010. (Dkt. 31). Nearly four months have passed since this deadline expired and plaintiff has failed to submit his amended complaint.

Based on the foregoing, and in the interest of judicial efficiency, the undersigned **RECOMMENDS** that the Doe defendants be **DISMISSED** from this case without prejudice.

The parties to this action may object to and seek review of this Report and Recommendation, but are required to file any objections within 14 days of service, as provided for in Federal Rule of Civil Procedure 72(b)(2) and Local Rule 72.1(d). Failure to file specific objections constitutes a waiver of any further right of appeal. *Thomas v. Arn*, 474 U.S. 140 (1985); *Howard v. Sec'y of Health and Human Servs.*, 932 F.2d 505 (6th Cir. 1981). Filing objections that raise some issues but fail to raise others with specificity will not preserve all the objections a party might have to this Report and Recommendation. *Willis v. Sec'y of Health and Human Servs.*, 931 F.2d 390, 401 (6th Cir. 1991); *Smith v. Detroit Fed'n of Teachers Local 231*, 829 F.2d 1370, 1373 (6th Cir. 1987). Pursuant to Local Rule 72.1(d)(2), any objections must be served on this Magistrate Judge.

Any objections must be labeled as "Objection No. 1," "Objection No. 2," etc. Any objection must recite precisely the provision of this Report and

Recommendation to which it pertains. Not later than 14 days after service of an objection, the opposing party may file a concise response proportionate to the objections in length and complexity. Fed.R.Civ.P. 72(b)(2), Local Rule 72.1(d). The response must specifically address each issue raised in the objections, in the same order, and labeled as “Response to Objection No. 1,” “Response to Objection No. 2,” etc. If the Court determines that any objections are without merit, it may rule without awaiting the response.

s/Michael Hluchaniuk

Date: September 8, 2010

Michael Hluchaniuk

United States Magistrate Judge

CERTIFICATE OF SERVICE

I certify that on September 8, 2010, I electronically filed the foregoing paper with the Clerk of the Court using the ECF system, which will send electronic notification to the following: Dennis Burnett, and I certify that I have mailed by United States Postal Service the paper to the following non-ECF participant(s): Gregory Brian Willis, 11075 McKinney, Detroit, MI 48224.

s/Tammy Hallwood

Case Manager

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